



SUMMARIZED MINUTES

**CITY OF SCOTTSDALE
PERSONNEL BOARD MEETING**
8:30AM., Tuesday, June 20, 2017
NCY – Wrangler Room
9191 E. San Salvador Drive
Scottsdale, Arizona 85258

PRESENT

Board Members: Steven Guttell (Chair)
Jeffrey Skoglund (Vice Chair)
Mark Culbertson (Absent)

Respondent: Alan Rodbell, Chief of Police
William Hylen, Respondent Counsel

Appellant: Damien Mendoza, Police Officer
Edmundo Robaina, Appellant Counsel

Respondent Witnesses: Dennis Gordon
Aaron Minor
Chris Blumling
Chris DiPiazza
Alan Rodbell

Appellant Witnesses: Chris Crescione
Mike Hertko
Steven Montemayor
Rich Best
Mike Trudeau
Damien Mendoza

Staff: Janis Bladine, Board Legal Counsel (City of Scottsdale)
Donna Brown, Human Resources Director
Lorelei Oien, Staff Coordinator
Raudel Castanon, HR Systems Integrator



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CALL TO ORDER

Chair Guttell called the Personnel Board Hearing meeting to order at 8:31 a.m. Roll call confirmed the presence of Board members as noted.

1. ELECTION OF CHAIR AND VICE-CHAIR

Approved 2-0; Vice-Chair Skoglund moved to approve the nomination of Chairperson Guttell as the new Chairperson of the Personnel Board, seconded by Chairperson Guttell. Board Member Culbertson was absent.

Approved 2-0; Chairperson Guttell moved to approve the nomination of Vice-Chair Skoglund as the new Vice-Chair of the Personnel Board, seconded by Vice-Chair Skoglund. Board Member Culbertson was absent.

2. HEARING ON APPEAL OF ONE DAY (10 HOURS) SUSPENSION OF DAMIEN MENDOZA

The hearing convened with introductions of the Board, Appellant Party and Respondent Party, followed by Chair Guttell's statement of the authority of the Board and the rules of order that were to apply during the hearing.

Chair Guttell disclosed that he knew Officer Mendoza's attorney professionally and inquired as to whether any of the parties believed he should recuse himself. Ms. Bladine, board attorney, stated that she had looked into the matter and determined that there was no conflict of interest, statutory or otherwise, but wanted to give both sides the opportunity to express any concerns they might have with this; neither party expressed concern.

Chair Guttell called for the witnesses, asked each one to stand, raise their right hands, and administered the oath.

Mr. Robaina, appellant's attorney, requested exclusion of witnesses from hearing the testimony of the other witnesses. Chair Guttell granted the request and stated that once the witnesses' testimony had been given, he or she could remain in the hearing room.

Chair Guttell asked Donna Brown, Human Resources Director, to enter into the record the case to be heard by the Board.

Chair Guttell asked each Party to make a brief opening statement of not more than ten minutes; Mr. Hylen provided the respondent's statement, followed by Mr. Robaina's statement for the appellant.

Chair Guttell accepted the Exhibits provided by both the respondent and the appellant Mr. Hylen began the respondent's witness' testimony.



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3. MOTION TO RECESS INTO EXECUTIVE SESSION

At 10:42 a.m., Chair Guttell moved to approve a motion to recess into Executive Session in order to discuss the declaration of open policy, seconded by Vice Chair Skoglund.

The hearing reconvened at 11:04 a.m. with the continuation of respondent witness testimony, cross examination and questions by the board members.

Chair Guttell called for a 45-minute lunch break at 12:06 p.m. At the 1:03 p.m. the hearing reconvened with respondent witness testimony, cross examination and questions from the board members.

After a 10-minute recess, the hearing recommenced at 2:27 p.m. with the appellant witness testimony, cross examination and questions by board members.

After a 10-minute recess, the hearing recommenced at 5:34 p.m. and Chair Guttell called for summations and explained that each Party would have up to 10 minutes each to present a summation of their positions, beginning with the Respondent. Upon the conclusion of Mr. Hylen's summation, Mr. Robaina presented the appellant's summation.

4. DISCUSSION OF EVIDENCE AND DELIBERATION BY BOARD

The Board discussed the findings of fact, their conclusions, and recommendation to the City Manager.

5. ADOPTION OF FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION TO CITY MANAGER

Approved 2-0; Vice-Chair Skoglund moved to approve a motion to accept the findings of fact and conclusions discussed by the Personnel Board under agenda number 3, seconded by Chairperson Guttell.

Vice-Chair Skoglund moved to approve a motion to recommend that the one-day suspension be upheld specifically as set forth in:

Scottsdale Revised Code, Section 14-72 (28)—the employee has violated an ordinance, written policy or administrative regulation of the city; Section 14-72 (30)—an employee working for the Scottsdale Police Department has violated provisions of general orders or operations orders of the Police Department;

Administrative Regulation 320, Section 3.3.2 Ethical Standards—avoid the appearance of misconduct or impropriety in the performance of the duties and responsibilities of their position; and



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General Orders 2503 (20) Misconduct—Engaging in conduct or activity that tends to unnecessarily disrupt or undermine the efficient operation of the department.

Approved 2-0; Vice-Chair Skoglund moved to adjourn the hearing on appeal portion of the meeting, seconded by Chairperson Guttell.

6. APPROVAL OF MINUTES OF PUBLIC MEETING CONDUCTED ON APRIL 12, 2016

Vice-Chair Skoglund moved to approve the April 12, 2016 public meeting minutes as presented, seconded by Chairperson Guttell. Motion approved 2-0.

7. APPROVAL OF 2016 PERSONNEL BOARD ANNUAL REPORT

Vice-Chair Skoglund moved to approve the 2016 Personnel Board Annual Report as presented, seconded by Chairperson Guttell.

8. FUTURE AGENDA ITEMS*

There was no discussion of future agenda items.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 6:20 p.m.

Respectfully submitted,

Lorelei Oien
Human Resources Management Analyst



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